

**IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF ILLINOIS, EASTERN DIVISION**

ABBOTT LABORATORIES and ABBOTT
RAPID DX NORTH AMERICA, LLC,

Plaintiff,

v.

JUSTIN BROWN,

Defendant.

Case No. 1:20-cv-06211

**DECLARATION OF LOUIS A. KLAPP IN SUPPORT OF
ABBOTT'S MOTION FOR PRELIMINARY INJUNCTION**

I, Louis A. Klapp, declare as follows:

1. I am an attorney with Riley Safer Holmes & Cancila ("RSHC"), counsel of record for Abbot Laboratories and Abbott Rapid Dx North America, LLC (collectively, "Abbott") in the above-entitled action. I have sufficient personal knowledge of the facts set forth herein that if called as a witness I could and would competently testify to those facts under oath.

2. Attached as Exhibit 13 is a true and correct copy of the Registration Certificate for U.S. Trademark Registration Number 1,542,129, as downloaded from the U.S. Patent and Trademark Office's ("USPTO") Trademark Status and Document Retrieval ("TSDR") system.

3. Attached as Exhibit 14 is a true and correct copy of the Registration Certificate for U.S. Trademark Registration Number 3,842,268, as downloaded from the USPTO's TSDR system.

4. Attached as Exhibit 15 is a true and correct copy of the Registration Certificate for U.S. Trademark Registration Number 3,842,269, as downloaded from the USPTO's TSDR system.

5. Attached as Exhibit 16 is a true and correct copy of the Registration Certificate for U.S. Trademark Registration Number 4,023,123, as downloaded from the USPTO's TSDR system.

6. Attached as Exhibit 17 is a true and correct copy of the Notice of Acknowledgement Under Section 15 for U.S. Trademark Registration Number 1,542,129, as downloaded from the USPTO's TSDR system.

7. Attached as Exhibit 18 is a true and correct copy of the Notice of Acknowledgement Under Section 15 for U.S. Trademark Registration Number 3,842,268, as downloaded from the USPTO's TSDR system.

8. Attached as Exhibit 19 is a true and correct copy of the Notice of Acknowledgement Under Section 15 for U.S. Trademark Registration Number 3,842,269, as downloaded from the USPTO's TSDR system.

9. Attached as Exhibit 20 is a true and correct copy of the Notice of Acknowledgement Under Section 15 for U.S. Trademark Registration Number 4,023,123, as downloaded from the USPTO's TSDR system.

10. Attached as Exhibit 21 and 21a are a true and correct copy of an email and its attachment—a letter from Ron Safer, counsel of record for Abbott in this matter, to Defendant Justin Brown—which I sent to Mr. Brown September 25, 2020, at the following email addresses: brown921@me.com and Justin.brown@abbotttx.com.

11. Attached as Exhibits 22 and 22a are a true and correct copy of an email and its attachment I received from Mr. Brown on September 28, 2020.

12. Attached as Exhibit 23 is a true and correct copy of an email I sent to Mr. Brown on September 28, 2020, at the following email addresses: justin.brown@hazegrayconsulting.com, brown921@me.com, and Justin.brown@abbotttdx.com.

13. I did not receive an undeliverable mail response when I emailed justin.brown@abbotttdx.com on September 28, 2020.

14. Attached as Exhibit 24 is a true and correct copy of a highlighted version of the WhoIs record for abbotttdx.com as printed on October 13, 2020, from <https://www.godaddy.com/whois/results.aspx?domain=abbotttdx.com>.

I declare under penalty of perjury that the foregoing is true and correct. This declaration was executed on October 20, 2020.



Louis A. Klapp